IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2130 of 2005

Between:

M/s. United Zym & Recreation club Private Ltd., A Company incorporation under the Companies Act, 1956 and having its

registered office at 1-2-121, Natraj Nagar, Nirmal Town,
Adilabad District 504106, rep.by its Director Sri Allola Tirupati Reddy.

... PETITIONER

AND

1 The Superintendent of police, Adilabad District, Adilabad.
2 The Station House officer, Nirmal Town, Nirmal, Adilabad District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction in the nature of Mandamus or otherwise declaring the action of the Respondents in obstructing playing of Rummy (13 cards game) with stakes / syndicate at the petitioner's club premises run under the name and style of united zym & Recreation club pvt. ltd., at premises No.1-2-121, Natraj Nagar, Nirmal Town, Adilabad District, as arbitrary, illegal and consequently direct the respondents not to interfere with the functioning of the club and be pleased to pass such other order or orders as this Honourable court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.S.PRAVEEN KUMAR

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following:

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O R D E R:

Petitioner is a club. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in ***State of A.P. v. K. Satyanarayana***, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 (for short "the Act") do not apply to such game, and it falls within the meaning of game of 'mere skill' under Section 15 of the Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of, directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. No order as to costs.

10th February, 2005

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To

1 The Superintendent of police, Adilabad District, Adilabad.
2 The Station House officer, Nirmal Town, Nirmal,

Adilabad District.

3 Two C.Cs to the Govt.Pleader for Home,

High Court building, Hyderabad (OUT).

4 Two C.D.copies.